GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Endowments Department – Lands endowed to the temples - A.P. Inams (Abolition and Conversion in to Ryotwari) Act, 1956 – Krishna District – Nuzividu Mandal – Gollapalli (v) – lands situated in Vempadu Agraharam, H/o Gollapalli Revenue Village – treating Sri Raghunadha Swamy Temple, Gollapalli (v) as Inamdar to an extent of Ac.3563-23 cts of lands in old Survey No's. 1 to 35 situated in Vempadu Agraharam, H/o Gollapalli (v) – Declared – Orders Issued – Further action – Orders – Issued.

REVENUE (ENDTS.II) DEPARTMENT

G.O.MS.No. 102 Dated: 16-03-2016

Read the following

1. Lr in Rc.No.F5, 4148 /92 of the Collector, Krishna District, dated : 31-12-2014.
2. Orders of Hon'ble Supreme Court of India in Civil Appeal No.2541/ 1972, dated : 18-04-1990.
3. G.O.Ms.No.430, Revenue (JA), dated : 21-03-2003.
4. Orders of Division Bench of Hon'ble High Court of A.P., dated 04-04-2012 in W.P.No's 1658/2011, 13333/2000, 17283/2007, 2569/2009, 10825/2009, 11824/2009, 711/2011, 20465/2011, 12894/2011, 32625/2010 and 30832/2010.
5. Orders of Hon'ble Supreme Court of India in S.L.P. (Civil) No.33335/2012, Dt.30-11-2012.
6. Orders of Hon'ble Supreme Court of India in Review Petition (C) No.882/2013, dated : 11-07-2013.
7. Lr.No.Sett.1 (1)/190/2015 of the CCLA. A.P., dated : 18-06-2015.
8. G.O. Ms. No. 79, Revenue (EA&AR) Dept., dated 20.2.2016.

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ORDER :

In the reference 1st read above, the Collector, Krishna District sought instructions from the Government on the lands belonging to Sri Raghunatha Swamy Devasthanam, Gollapalli Village, Niziveedu Mandal, Krishna District as follows :

"there are only two courses of action open, given the tone, tenor and spirit of the Judgement of the Hon'ble Supreme Court of India and Hon'ble High Court of Andhra Pradesh, Hyderabad. The first is to settle the village as a Ryotwari Village with Sri Raghunatha Swamy Temple as a Pattadar and the current occupants are share croppers. The second option is to treat this land as Inam lands held by an institution in an Inam village as envisaged under section 8 of the A.P., (A.A) Inams (Abolition and conversion in to Ryotwari) Act, 1956".

2. In the reference 2nd read above, orders of the Hon'ble Supreme Court of India, a compromise was struck between the parties to the lis. The parties agreed to treat Sri Raghunatha Swamy Vari Temple as landlord and the ryots in possession of the land as tenants. Pursuant to the settlement, the tenants in respect of whole of the extent of the grant had to pay one quintal of ground nut per acre per annum.

(PTO)

3. Some of the tenants have defaulted in the payment of rents and simultaneously launched litigation by filing various Writ Petitions before the Hon'ble High Court on one ground or the other to evade payment of rents to the temple.

4. At this stage, the Government has issued orders in the reference 3rd read above declaring Vempadu Agraharam, H/o Gollapalli, Nuzividu Mandal, Krishna District as Inam Estate and published a notification in an Extraordinary issue of the A.P.Gazette dt. 27-03-2003, subject to conditions as agreed to by the Temple and cultivators in pursuance of the Hon'ble Supreme Court orders in the Civil Appeal No.2541 of 1972, dated 18th April, 1990.

5. Aggrieved by the said orders of the Government, the Executive Officer of Sri Raghunatha Swamy Temple, Gollapalli Village Nuzividu Mandal, Krishna District has filed W.P.No.1658/2011 before the Hon'ble High Court of A.P. The cultivators have also filed various Writ Petitions praying that they need not pay rents to the temple authorities. Finally, the Division Bench of Hon'ble High Court in common orders dated 04-04-2012 in the reference 4th read above, have set aside the notification issued by the Government in the reference 3rd cited and further held that the Temple is perfectly at liberty to demand and claim one quintal of groundnut or its' equivalent price, per acre, per annum from each of the cultivating tenants and the same shall be paid on or before 31st December of each year without fail. It goes without saying that, should any default be committed by the tenant in paying this amount, it shall be legitimate for the temple to initiate such legal action as is permissible under law against the defaulting tenant.

6. As against the Common Judgement of the Division Bench of the AP High Court rendered in the reference 4th read above, the cultivators have filed Special Leave Petition in the Hon'ble Supreme Court vide S.L.P (C) No.33335/2012. This S.L.P was dismissed by the Hon'ble Supreme Court vide reference 5th read above. The cultivators again filed a Review Petition vide Review Petition (C) No.882/2013. The same was also dismissed by the Hon'ble Supreme court vide reference 6th read above.

7. In the reference 7th read above, the Chief Commissioner of Land Administration, A.P., has stated that " in the year 1749, the Zamindars of Nuzividu have endowed an extent of Ac.3356-23 cts in old Survey No's. 1 to 35 of Vempadu Agraharam, H/o Gollapalli revenue Village, Nuzividu Mandal, Krishna District for the exclusive purpose of maintenance of Sri Raghunatha Swamy Vari Temple, Gollapalli (v). The Hon'ble Court categorically held that the temple is the land lord and the cultivators as tenants, who have to pay the rents on or before 31st December of each Calendar year without fail. The defaulting tenant shall be dealt with as per endowment law. As such the temple shall be treated as Inamdar in an Inam Village and occupants as tenants, who are bound to pay the rents to the temple in accordance with the provisions of the A.P., Charitable and Hindu Religious Institutions and Endowments Act, 1987 and the Rules

(CONTD--3)

made there under. There is no legal impediment for grant of the books that are issuable under the provisions of A.P. Record of Rights in Land and Pattadar Pass Books Act, 1971."

8. The institution, Sri Raghunatha Swamy Vari Temple, Gollapalli (v) was published under Section 6(a) (ii) of the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 (A.P. Act 30/1987) and registered as per the provisions of the said Act. It is under the administrative control of the Regional Joint Commissioner, Endowments Department, Rajamahendravaram. All the provisions of A.P. Act 30/1987 are applicable to the said temple.

9. The said abstract endowed lands were extensively surveyed in the year 2003 and cultivators were also identified therein in specific. The temple is also in possession of some Quarries.

10. In the reference 8th read above, Government have issued orders declaring the institution i.e. Sri Raghunathaswamy Temple, shall be treated as Inamdar of "Vempadu Agraharam" (Inam Village) under the provisions of the Andhra Pradesh (AA) Inam (Abolition and Conversation into Ryotward) Act, 1956 read with the Amendment Act, 16/ 2013, and the persons in occupation of the lands shall be treated as tenants paying rents/ Makthas to an extent of Ac.3563.23 cts. in Vempadu Argaharam, Hamlet of Gollapalli Vevenue Village, Nuziveedu Mandal, Krishna District as per Rules/ Orders of Court.

11. In continuation of the orders issued in the reference 8th read above, Government hereby issued the following further orders for effective dealing with the lands belonging to Sri Raghunatha Swamy Vari Temple, Gollapalli Village, Nuzividu Mandal, Krishna District:

(a) subject to clauses (b), (c), (d) below, all the persons in occupation of the endowed land to extent of Ac.3356-23 cts in Old Sy.No's. 1 to 35 of Vempadu Agraharam, H/o Gollapallil Revenue Village, Nuzividu Mandal, Krishna District as tenants governed as per the provisions of A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 and the Rules made thereunder.

(b) those cultivating tenants, who are identified as such in the survey conducted in the year 2003, who are paying the rents, as settled by the Hon'ble Supreme Court, without any arrears shall be continued as tenants on the same terms and conditions, without any right of alienation.

(c) the arrears if any, in case of such cultivating tenants (identified during the survey conducted in the year 2003), shall be collected with a simple interest of 6% per annum on or before 30-6-2016 and be continued with a condition and after obtaining written under taking that they shall cause no arrears in future.

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(d) if there are any defaulting cultivating tenants (as identified in the Survey conducted in 2003) after 01-07-2016, such lands shall be leased out in Public Auction without any further notice.

(e) in case of change of nature of land or unauthorized alienation or default, even the cultivating tenants (as identified in the survey conducted in the year 2003), are also liable for eviction as envisaged in Endowments Rules.

(f) as the lands became fertile due to canals formation and well road connectivity in recent times, the Executive Officer of Sri Raghunatha Swamy Vari Temple, Gollapalli is at liberty to approach the Hon'ble Supreme Court in Civil Appeal No. 2541/72, after 01-07-2020 for refixation of Rents.

(g) the Commissioner of Endowments is at liberty to fix the damages for use and occupation for the houses already constructed in the endowed site and take appropriate action as per Endowment Rules.

(h) the concerned Tahsildar shall fix the boundaries of residential areas individually as well as residential cluster wise so as to prevent further illegal occupations with in a period of two months without fail. The Collector, Krishna District shall take immediate necessary action to prevent further illegal occupations of agricultural lands to residential purposes.

(i) the concerned authorities are instructed to issue the books that are issuable under the provisions of A.P.Record of Rights in land and Pattadar Pass Books Act, 1971 with in a period of 2 months, in favour of Sri Raghunatha Swamy Vari Temple, Gollapalli Village, Nuzividu Mandal, Krishna District. The Collector Krishna District shall take further necessary action in the matter.

(j) for the quarries and other temple possession lands, the temple alone is entitled for all the statutory books. The Director, Mines and Geology shall take further necessary action in the matter.

11. The Chief Commissioner of Land Administration, A.P., the Collector, Krishna District, the Commissioner of Endowments, A.P., and the Director, Mines and Geology are requested to take necessary action accordingly in the matter

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

J.S.V. PRASAD
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Chief Commissioner of Land Administration, A.P. Hyderabad.
The Commissioner, Endowments, A.P. Hyderabad.
The Commissioner of Survey, Settlements and Land Records, A.P Hyderabad.
The District Collector, Krishna District.
The Director of Mines and Geology, A.P., Hyderabad.
The Tahsildar, Nizivudu Mandal, Krishna District.
The Executive Officer, Sri Raghunatha Swamy Vari Temple, Gollapalli (v), Nuzividu Mandal, Krishna District.

// FORWARDED :: BY ORDER//

SECTION OFFICER